

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**ACTION
AGENDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, JUNE 3, 2002

5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer

Present (Green arrived 5:05 p.m.)

Public Comments Regarding Study Session and Closed Session Agenda Items

None

(City Council) Joint Study Session of the City Council and the Citizens Participation Advisory Board (CPAB) to Review CPAB/Staff Recommendations for the 2002/2003 Community Development Block Grant (CDBG) Program (340.70)

The City Council and the Citizens Participation Advisory Board (CPAB) will review recommendations of the CPAB and staff for Community Development Grant allocations for the upcoming 2002/2003 program year.

Roll Call – CPAB – Jim Moreno, Chair; Adrienne Albino; Jackie Canigiani; Linda Couey; Steve Garcia; James Hayden; Patricia Jacobs-Pilette; Gerald Lipson; Steve Ray; Roy Richardson; Charles Tyler; and Caleb Zia

Present (Albino, Richardson, Zia absent)

****Communication titled *City of Huntington Beach – Community Development Block Grant Program* from the Economic Development Department is included in the agenda packet.**

Economic Development Department staff and CPAB presented

Directed staff to provide breakdown of CDBG Administration funding category.

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS
<http://www.ci.huntington-beach.ca.us>**

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

Approved 7-0

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Opp v. City of Huntington Beach, et al.**; Court of Appeals, Fourth Appellate District, Division 3, Case No. G025947 (Opp I); and **Opp v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 748927 (Opp II). Subject: **Opp v. City of Huntington Beach, et al. (Opp I and Opp II).** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**
- Report Re: Opp v. City – the City Council directed the City Attorney to report out direction given in August 20, 2001 and February 19, 2002. Report given out by City Attorney, who stated report was not legally required to be made.***

Roll Call Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
Present

Pledge of Allegiance – ***By J. Michael Johnson, Sr., American Legion Huntington Beach Post 133***

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Council Members or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

Communications received re: 5:00 p.m. study session item; closed session item (Opp v. City); D-1; D-3; E-3; F-1; F-2; and F-3.

Presentation – By Mayor Debbie Cook to Mark Hunt, Special Projects Coordinator, Second Harvest Food Bank; a proclamation proclaiming June 2002 as a City-Wide Food Drive Month in the City of Huntington Beach. (160.40)

Presentation – By Mayor Debbie Cook to Officers of American Legion Post 133 Huntington Beach – "Surf City's Own Since 1919;" a proclamation proclaiming June 14, 2002 as Flag Day. (160.40)

Later in meeting Council Member Green distributed communication re: C-1a – Article from LA Times re: EPA Says Toxic Chemicals Pose Cancer Risk.

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendaized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- 1. Adults and students requesting Friends of Huntington Harbour sports grant application – Item F-2 be approved.**
- 2. Speaker requesting Council's (1) assistance re: speeding traffic on Terry Drive as hazardous to children; and (2) car dealerships' employee parking in Terry Drive area against city code.
(Mayor requested speaker to contact Council office.)**
- 3. Speakers in support of Item F-2.**
- 4. Speaker protesting absence of Invocation on Agenda.**
- 5. Speakers opposed to petition being circulated that would amend City Charter to establish districts rather than electing Council Members at large.**
- 6. Speakers in favor of the proposed Southeast Area Redevelopment Plan.**
- 7. Speaker in support of Project Self-Sufficiency receiving grant funds.**
- 8. Speaker opposed to the presentation on NBC television by Monica Mazura, head of the Orange County Health Agency as she did not use the opportunity to speak against the 301-H Federal waiver which would allow Clean Water standards not being met. Speaker commended Dr. Jan Vandersloot for his environmental work with the League of Conservation Voters.**
- 9. Speaker inviting all to concerts at BB Jazz where Keiko Matsui will be playing. She presented other upcoming events in December 2002. She stated the concerts raise money for children who have autism.**

C-1. Council Committee/Council Liaison Reports**C-1a. (City Council) Council Committee Report – Accept Competitive Services Committee Recommendation to Direct the City Administrator to Negotiate Environmental Services (NES) Contract Extension through FY 2006-07 for Diesel Powered Street Sweeping Services (800.10)**

Communication from Council Member Pam Houchen, Chair, Competitive Services Committee on behalf of Council Members Shirley Dettloff and Grace Winchell transmitting that at the May 20, 2002 City Council meeting, the City Council voted to refer the issue of a five-year contract extension with Nationwide Environmental Services (NES) for street sweeping services to the Competitive Services Committee for review.

The Committee met on May 28, 2002 and voted two to one (Houchen opposed) to recommend that the City Council direct the City Administrator to negotiate an extension of the city's contract with NES through FY 2006-07, using diesel powered street sweepers, and pursuant to the terms identified in NES's letter of March 4, 2002.

Staff estimates that this option will cost between \$1.34 million and \$1.44 million over the life of the contract.

A copy of the analysis and material staff provided the Committee is included with this memorandum.

***PowerPoint presentation titled Competitive Services Sub-Committee Report – Extension of Street Sweeping Contract is included in the agenda packet.*

Recommended Action: Motion to:

Direct the City Administrator to negotiate an extension of the city's contract with NES through FY 2006-07, using diesel powered street sweepers, and pursuant to the terms identified in NES's letter of March 4, 2002.

Council Member Winchell presented Competitive Services Committee Report stating that it chose Option 4.

Portion of LA Times article dated June 1, 2002 EPA Says Toxic Chemicals Pose Added Cancer Risk read by Council Member Green. Dr. Green also read from other material.

Directed staff to develop strategy policy in place for city sweeper fuel use.

Approved Recommended Action 4-3 (Green, Boardman, Houchen No)

C-2. City Administrator's Report

C-2a. (City Administrator's Report) Departmental Highlights on (1) Phase II of the Huntington Harbour Sewer Lining Project and (2) Arterial Highway Rehabilitation Project (.)

The City Administrator will provide an oral report highlighting agenda Items E-5 and E-12 on the agenda.

Department of Public Works Director Beardsley presented a Review of Agenda Items E-5 and E-12.

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing Opened and Continued Open from May 6, 2002 to Consider Approval of the Formation of and Calling for Special Election for City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park Improvement Areas A & B) – Adopt Resolution Nos. 2002-38 through 2002-41 Inclusive – Approve Introduction of Ordinance No. 3557 (350.50)

Public Hearing opened and continued open from May 6, 2002 submitted by the Economic Development Director to consider approval of Boeing's request for City assistance in the formation of a Community Facilities District (CFD) for the McDonnell Centre Business Park second phase to allow Boeing land to be marketed competitively with other industrial properties with CFDs already in place throughout the region. The area is divided into two parts, Area A and Area B, and Boeing has requested funding authority for both areas in an amount of not to exceed \$13,000,000. Boeing is the sole owner of the affected properties.

The Public Hearing notice sets forth that on April 1, 2002, the City Council of the City of Huntington Beach adopted a Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention to Incur Indebtedness of the Proposed City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park)." Pursuant to the provisions of Chapter 3.56 of the Municipal Code of the City of Huntington Beach and, as applicable, the Mello-Roos Community Facilities Act of 1982, the City Council of the City of Huntington Beach hereby gives notice as follows:

A. The text of said Resolution is as follows: (Res. No. 2002-27)

WHEREAS, this City Council has this date adopted its Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention to Establish a Community Facilities District and To Authorize the Levy of Special Taxes Therein," stating its intention to form a community facilities district pursuant to the provisions of Chapter 3.56 (commencing with Section 3.56.010) of the Municipal Code of the City of Huntington Beach and, as applicable, the Mello-Roos Community Facilities Act of 1982 (collectively, the "Law"), for the purpose of financing a portion of the costs of certain public improvements (the "Facilities"), as further provided in said Resolution; and this City Council estimates the amount required for the financing of a portion of the costs of the Facilities to be the sum of \$11,000,000; and in order to finance said Facilities it is necessary to incur bonded indebtedness for each improvement area identified below as "Area A" and "Area B" in the amount of not to exceed \$13,000,000.

Section 2. The bonded indebtedness for each improvement area described in Section 1 is proposed to be incurred for the purpose of financing a portion of the costs of the Facilities, including costs incidental to or connected with the accomplishment of said purposed and of the financing thereof.

(Continued on Next Page)

Section 3. This City Council, acting as legislative body for Area A, intends to authorize the issuance and sale of bonds in one or more series in the maximum aggregate principal amount of \$13,000,000, bearing interest payable semi-annually or in such other manner as this City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and maturing not to exceed forty (40) years from the date of the issuance of said bonds. This City Council, acting as legislative body for Area B, intends to authorize the issuance and sale of bonds in one or more series in the maximum aggregate principal amount of \$13,000,000, bearing interest payable semi-annually or in such other manner as this City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and maturing not to exceed forty (40) years from the date of the issuance of said bonds.

Section 4. Monday, May 6, 2002, at 7:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, City Council Chambers, City Hall, 2000 Main Street, Huntington Beach, California, be, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for each improvement area described in Section 1, will conduct a public hearing on the proposed debt issue for each of the improvement areas and consider and finally determine whether the public interest, convenience and necessity require the issuance of bonds of the City of Huntington Beach for each respective improvement area.

Any person interested, including persons owning property in the area of the proposed community facilities district, will be heard upon the proposed debt issue.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

The formation of the Community Facilities District requires various sequential steps to be taken by the City Council set forth by state law. The recommended actions are the following:

Recommended Action: Motion to:

1. Adopt **Resolution No. 2002-38** – “A Resolution of the City Council of the City of Huntington Beach of Formation of Improvement Area A and Improvement Area B of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park);”

Adopted 6-0-1 (Houchen absent from room)

and

2. Adopt **Resolution No. 2002-39** – “A Resolution of the City Council of the City of Huntington Beach Determining the Necessity to Incur Bonded Indebtedness Within Improvement Area A, and Within Improvement Area B, of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park);”

Adopted 6-0-1 (Houchen absent from room)

and

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3. Adopt **Resolution No. 2002-40** – “A Resolution of the City Council of the City of Huntington Beach Calling Special Election Within Improvement Area A and Within Improvement Area B of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park);”

Adopted 6-0-1 (Houchen absent from room)

and

4. Request the City Clerk to conduct a special election on the formation of the Community Facilities District and announce results of election;

Approved 6-0-1 (Houchen absent from room)

and

5. Adopt **Resolution No. 2002-41** – “A Resolution of the City Council of the City of Huntington Beach Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien;

Adopted 6-0-1 (Houchen absent from room)

and

6. Introduce **Ordinance No. 3557**, after reading by title by the City Clerk – “An Ordinance of the City of Huntington Beach Levying Special Taxes Within Improvement Area A and Improvement Area B of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park).”

Approved Introduction of Ord No. 3557 6-0-1 (Houchen absent from room)

Administrative Hearing

D-2 is an administrative public hearing. This administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

D-2. (City Council) Administrative Public Hearing – Adopt Resolution No. 2002-48 – Approve Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Communication from the City Treasurer and the City Attorney.

Continuation from April 15, 2002 of an open Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

1. Staff Report
2. City Council Discussion
3. Open Public Hearing
4. Following Public Input, Close Public Hearing

Recommended Action: Motion to:

Adopt **Resolution No. 2002-48** entitled “*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*”

Adopted 4-0-2-1 (Boardman, Cook abstain; Houchen out of room)

D-3. (City Council) Public Hearing to Consider Approval of Zoning Text Amendment No. 01-02 (Park In-Lieu Fee Ordinance – Park Land Dedication) Amending Section 254 of the Huntington Beach Zoning and Subdivision Ordinance – Approve Introduction of Ordinance No. 3562 – Adopt Resolution Nos. 2002-56 and 2002-57 (450.30)

Public hearing to consider the following:

Applicant: City of Huntington Beach Community Services Department

Request: To amend Section 254.08 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) in reference to park land dedication and in-lieu fees. The amendment includes added language addressing use of fees, method for calculating fees, providing 100% land value park in-lieu fees, off-site requirements, and appeal process.

Location: Citywide

Environmental Status: This Item No. 1 is categorically exempt from the provisions of the California Environmental Quality Act.

On File: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at City Hall or the Main City Library (7111 Talbert Avenue) on May 31, 2002.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

Staff Recommendation:

1. Approve Zoning Text Amendment No. 01-02 with Findings for Approval (Attachment No. 1) and after the City Clerk reads by title, approve introduction of **Ordinance No. 3562** – *“An Ordinance of the City of Huntington Beach Amending Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance Relating to the Dedication and Reservations of Land Parcels;”*

and

2. Adopt **Resolution No. 2002-56** – *“A Resolution of the City Council of the City of Huntington Beach Establishing a Population Density Factor to Be Used to Determine the Amount of Land to be Dedicated by Developers for Park Purposes;”*

and

(Continued on Next Page)

3. Adopt **Resolution No. 2002-57** – *“Resolution of the City Council Setting the Fee Schedule for the Parkland Dedication In-Lieu Fee Authorized by Zoning and Subdivision Code Section 230.20.”*

1. **Motion to adopt Resolutions, and approve introduction of Ord. No. 3562 as amended by using 100% of City-wide average FAILED 2-5 (Green, Dettloff, Boardman, Winchell, Bauer No)**

2. **Approved Introduction of Ord No. 3562 5-2 (Cook, Houchen No)**

Adopted Resolution No. 2002-56 5-2 (Cook, Houchen No)

Adopted Resolution No. 2002-57 5-2 (Cook, Houchen No)

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular Meetings of May 20, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved 7-0
- E-2. **(Redevelopment Agency) Receive and File Annual Report of the Huntington Beach Redevelopment Agency for Fiscal Year 2000-2001 for Submission to the State Controller** (400.20) – Receive and file the Annual Report of the Huntington Beach Redevelopment Agency for Fiscal Year 2000-01 for submission to the State Controller as required by S. 33080.1 of the State of California Health and Safety Code (“Redevelopment Law”). Submitted by the Deputy Executive Director. Funding Source: Not Applicable. (Reports are available for public review in the City Clerk’s Office – 105 pages total.)
Approved 7-0
- E-3. **(City Council) Approve the Appointment of Barbara Boskovich to the Mobile Home Advisory Board (MHAB) for a Term to Expire August 5, 2003** (110.20) – Approve the appointment of Barbara Boskovich as a Citizen At-Large Representative to the Mobile Home Advisory Board filling the vacancy created by the resignation of Mark Porter with a term to expire August 5, 2003, as recommended by City Council liaisons Mayor Pro Tem Connie Boardman and Council Member Peter Green. Submitted by the Economic Development Department. Funding Source: Not Applicable.
Approved 7-0
- E-4. **(City Council) Approve Amendments to Two Cooperative Agreements with the Orange County Sanitation District for Phase II of the Huntington Harbour Sewer Rehabilitation Projects: (1) CP #0005, CC-1161; and (2) CP #0105** (600.25) –
1. Approve and authorize the Mayor and City Clerk to execute *Amendment No. 2 to Cooperative Agreement No. 0005* between the Orange County Sanitation District and the City of Huntington Beach; and 2. Approve and authorize the Mayor and City Clerk to execute *Amendment No. 1 to Cooperative Agreement No. 0105* between the Orange County Sanitation District and the City of Huntington Beach. Submitted by the Public Works Director. Funding Source: None required. (These amendments provide 6 month extension of time for each project.)
Approved 7-0

- E-5. (City Council) Accept Bid and Award Construction Contract to Insituform Technologies, Inc. for the Huntington Harbour Sewer Lining Project, Phase II; CC-1174 – Authorize Execution of Contract** (600.60) – 1. Accept the lowest responsive and responsible bid submitted by Insituform Technologies, Inc., in the amount of \$1,573,821 for Huntington Harbour Sewer Lining Project; CC-1174; and 2. Authorize the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds totaling \$1,993,800 are budgeted in two Harbour Sliplining, Sewer Improvements Accounts – EPA - \$997,400 and OCSD - \$996,400.
Approved 7-0
- E-6. (City Council) Adopt Resolution No. 2002-52 – Approving Side Letter to Memorandum of Understanding (MOU) Between the City and the Huntington Beach Police Officer Association Regarding Detention Officers Hours of Work/Overtime** (720.20) – Adopt **Resolution No. 2002-52** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Police Officers’ Association, by Adopting the Side Letter of Agreement (Regarding Senior Detention Officers, Detention Officers, and Detention Officer Nurses).” Submitted by the Administrative Services Director. Funding Source: Not Applicable.
Adopted 7-0
- E-7. (City Council) Adopt Resolution Nos. 2002-53 and 2002-54 Supporting Grant Applications to the California Energy Commission for Reimbursement and New Funding for Traffic Signal Battery Backup Units (Ten Intersections)** (340.80) – 1. Adopt **Resolution No. 2002-53** – “Approving Application for Grant Money to Reimburse the City for Installation of Battery Backup Systems for Traffic Signals;” and 2. Adopt **Resolution No. 2002-54** – “Approving Application for Grant Money to Fund Battery Backup Systems for Traffic Signals.” Submitted by the Public Works Director. Funding Source: No funds are required at this time. Should grants be approved this fiscal year, an appropriation request from the Air Quality Fund for up to \$125,000 will be submitted to Council.
Adopted 7-0
- E-8. (City Council) Approve the Release of Guarantee and Warranty Bond (Security) for Tract No. 14355 n/w Corner of Garfield Avenue and Edwards Street – Seacliff Venture, LP/Lennar Homes of California, Inc.** (420.60) – 1. Release Guarantee and Warranty Bond Nos. BE2624511 (Seacliff Venture, L.P.) and 111 3346 4286 (Lennar Homes of California, Inc.), the security furnished for guarantee and warranty of improvements; and 2. Instruct the City Clerk to notify the developers, Seacliff Venture, L.P. and Lennar Homes of California, Inc., of this action, and the City Treasurer to notify the Surety Companies. Submitted by the Public Works Director. Funding Source: Not Applicable.
Approved 7-0

- E-9. **(City Council) Approve the Release of Guarantee and Warranty Bond (Security) for Tract No. 14979 n/w Corner of Gothard Street and Ernest Avenue – SCH Housing No. 3, LLC** (420.60) – 1. Release Guarantee and Warranty Bond No. SD00093467, the security furnished for guarantee and warranty of improvements; and 2. Instruct the City Clerk to notify the developer, SCH Housing No. 3 LLC, of this action, and the City Treasurer to notify the Surety Company. Submitted by the Public Works Director. Funding Source: Not Applicable.

Approved 7-0

- E-10. **(City Council) Approve Special Duty Pay Adjustment for Two Interim Water Operations Management Assignments: (1) Supervisor and (2) Crewleader – Public Works Department** (700.20) – 1. Authorize a special duty pay adjustment to Howard Johnson, Water Production Supervisor, of \$8.89 per hour, effective June 10, 2002, and continuing through December 14, 2002; and 2. Authorize a special duty pay adjustment to Jay Kleinheinz, Water Operations Crewleader, of \$3.96 per hour, effective June 10, 2002, and continuing through December 14, 2002. Submitted by the Public Works Director. Funding Source: With the reduced cost of professional services, an overall savings of approximately \$54,000 will be realized in the Water Operations Administration Account.

Approved 7-0

- E-11. **(City Council) Approve Five Year Agreement Between the City and Robinwood Little League for Rental of Baseball Field Areas in Marina Community Park** (600.10) – Approve the five-year agreement titled *Agreement Between the City of Huntington Beach and Robinwood Little League for Rental of Baseball Field Areas* in Marina Community Park, and authorize the Mayor and City Clerk to execute same. Submitted by the Community Services Director. Funding Source: Not Applicable.

Approved 7-0

- E-12. **(City Council) Adopt Resolution No. 2002-55 Approving the Submittal of Ten Arterial Highway Rehabilitation Projects to the Orange County Transportation Authority for Federal Project Assistance Program Funds** (800.40) – Adopt **Resolution No. 2002-55** – “A Resolution of the City Council of the City of Huntington Beach Approving the Submittal of Ten Projects to the Orange County Transportation Authority for Funding Under the Federal Project Assistance Program.” Submitted by the Public Works Director. Funding Source: Grant funds up to \$515,500 would be revenue to the Gas Tax Fund (207) for the Arterial Rehabilitation Project. (The projects currently approved and included in the application are: 1. Warner Avenue (Springdale to Beach); 2. Newland Street (Hamilton to Atlanta); 3. Gothard Street (Ellis to Heil); 4. Graham Street (Warner to Heil); 5. Hamilton Avenue (Bushard to Santa Ana River); 6. Magnolia Street (Atlanta to Indianapolis); 7. McFadden Avenue (Goldenwest to Sugar); 8. Springdale Street (McFadden to Edinger); 9. Warner Avenue (Bolsa Chica to Sims); 10. Yorktown Avenue (Bushard to Brookhurst).)

Adopted 7-0

- E-13. **(City Council) Approve City Council Positions on Legislation Pending Before the State Legislature and/or Congress as Recommended by the City Council Intergovernmental Relations Committee** (640.90) – The City Council Intergovernmental Relations Committee has reviewed the legislation, propositions, and ruling below and is recommending that the City Council take a position on the following items, and authorize the Mayor to send letters to the legislators reflecting the approved positions: **Motion: Support: Water Resources Development Act 2002** – A federal program to insure the seismic reliability of public water infrastructure in earthquake prone areas. **Oppose: AB 2792 (Negrete, McLeod)** – Public Employees Retirement Contracting Agencies. **Oppose AB 2908 (Goldberg)** – Local Public Employee Organizations. **Oppose: SB 1516 (Romero)** – Public Safety Offices, Procedural Bill of Rights. **Oppose SB 1506 (Romero)** – Meyers-Millias-Brown Act – Retention of Vehicle License Fee (VLF) funds to offset payments. **Oppose AB 1866 (Wright)** – Second Units and Density Bonuses. Submitted by Shirley Dettloff, Council Member, Chair Person Intergovernmental Relations Committee for Mayor Debbie Cook and Council Member Ralph Bauer. Funding Source: None Required.

Approved 7-0

- E-14. **(City Council) Accept Quit Claim Deed (Atha Property – Surrender of Oil and Gas Lease) Regarding Beach Maintenance Yard (Near AES Huntington Beach Power Plant)** (650.80) – Approve and authorize the Mayor to execute and the City Clerk to attest to the acceptance of the Quit Claim deed from Robert Atha – titled *Quitclaim and Surrender of Oil and Gas Lease*. Submitted by the City Attorney. Funding Source: Not Applicable.

Approved 7-0

F. Administrative Items**F-1. (City Council/Redevelopment Agency) Approve Adoption of the Proposed Southeast Coastal Redevelopment Plan and Certification of the Final Environmental Impact Report for the Southeast Coastal Redevelopment Project (Area Bounded by Hamilton/Newland/Magnolia/Pacific Coast Highway and Excluding Cabrillo Mobile Home Park) – Adopt Resolution Nos. 2002-49, 2002-50 and 2002-51 and Agency Resolution Nos. 336, 337 and 338 – Approve Introduction of Ordinance No. 3561 (450.20)**

Communication from the Economic Development/Deputy Executive Director transmitting that with the completion of the joint public hearing on May 20, 2002, the City Council and Agency are able to consider various resolutions that will set policy and lead to considering the ordinance that would adopt the Redevelopment Plan for the Southeast Coastal Redevelopment Project. Resolutions considered are the Agency's and the City Council certification of the Environmental Impact Report (EIR), the City's acceptance of the pass through payments, the expenditure of housing set-aside funds outside the project area, and the approval of the Owner Participation Rules. After these decisions are made, then the City Council will consider the adopting ordinance for the Southeast Coastal Redevelopment Plan.

Funding Source: Implementation of redevelopment programs would be funded primarily from tax increment revenue generated within the Project Area. If the Redevelopment Plan is adopted, the Agency would collect tax increment revenue from 2003-04 to 2046-47. Conservatively, as described in the Agency's Report to the City Council presented at the May 20, 2002 public hearing, the Agency could obtain approximately \$37.9 million in nonhousing redevelopment fund revenues and \$16.7 million in affordable housing fund revenues over this time period for projects that benefit the Project Area.

Recommended Action: Motion to:

Redevelopment Agency Action:

1. Adopt **Agency Resolution No. 336** – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach, California, Certifying the Final Environmental Impact Report for the Southeast Coastal Redevelopment Project, Making Certain Findings Regarding the Environmental Impacts of the Project, and Adopting a Mitigation Reporting and Monitoring Program and Statement of Overriding Considerations;”*
Adopted 5-2 (Boardman, Cook No)

and

2. Adopt **Agency Resolution No. 337** – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach Finding that the Use of Taxes Allocated from the Southeast Coastal Redevelopment Project for the Purpose of Increasing, Improving, and Preserving the Community's Supply of Low and Moderate Income Housing Outside the Project Area will be of Benefit to the Project;”*
Adopted 5-2 (Boardman, Cook No)

and

(Continued on Next Page)

3. Adopt **Agency Resolution No. 338** – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach Adopting Rules Governing Participation and Preferences by Property Owners and Business Occupants for the Southeast Coastal Redevelopment Project.”*

Adopted 5-2 (Boardman, Cook No)

AND

City Council Action:

1. Adopt City Council **Resolution No. 2002-49** – *“A Resolution of the City Council of the City of Huntington Beach, California, Certifying the Final Environmental Impact Report for the Southeast Coastal Redevelopment Project, Making Certain Findings Regarding the Environmental Impacts of the Project, and Adopting a Mitigation Reporting and Monitoring Program and Statement of Overriding Considerations;”*

Adopted 5-2 (Boardman, Cook No)

and

2. Adopt City Council **Resolution No. 2002-50** – *“A Resolution of the City Council of the City of Huntington Beach Electing to Receive All or a Portion of the Tax Revenues Pursuant to Health and Safety Code Sections 33676 and 33607.5;”*

Adopted 5-2 (Boardman, Cook No)

and

3. Adopt City Council **Resolution No. 2002-51** – *“A Resolution of the City Council of the City of Huntington Beach Finding that the Use of Tax Allocated from the Southeast Coastal Redevelopment Project for the Purpose of Increasing, Improving and Preserving the Community’s Supply of Low and Moderate Income Housing Outside the Project Area will be of Benefit to the Project;”*

Adopted 5-2 (Boardman, Cook No)

and

4. After City Clerk reads by title, approve introduction of **Ordinance No. 3561** – *“An Ordinance of the City Council of the City of Huntington Beach Approving and Adopting the Redevelopment Plan for the Southeast Coastal Redevelopment Project.”*

Approved Introduction of Ord No. 3561 5-2 (Boardman, Cook No)

F-2. (City Council) Approve Youth Sports Grant Program Applications (320.10)

Communication from the Community Services Director transmitting that there is a need to review the Youth Sports Grant Program applications for FY 2001/2002 and approve funding recommendations.

Funding Source: Park Acquisition and Development Fund Account.

Recommended Action: Motion to:

Approve funding for the following youth sports organizations for fiscal year 2001/2002:

AYSO Region #143	\$28,000	Renovate Robinwood School soccer and baseball field
Friends of Huntington Harbour	\$12,000	Restore tennis courts at Harbour View School
HB Girls Softball	\$17,000	Upgrade Circle View School softball fields
HBHS Baseball Boosters/Huntington Valley Little League	\$5,000	Install permanent fencing on the freshman baseball field at HBHS
HBHS Foundation	\$20,000	Purchase lights for evening swimming at HBHS
Huntington Valley Little League	\$13,000	Replace unsafe fencing on Minor C league field at Wardlow School
Marina Girls Outdoor Sports	\$17,000	Replace unsafe fencing and add brick dust to existing fields at Marina High School
Sea View Little League	\$20,000	Build a new field for coach pitch at LeBard School
South Coast Soccer Club	\$15,000	Add lighting at Edison High School for soccer and football
South Coast Soccer Club	\$3,000	Remove existing backstop and replace with two smaller backstops to create two fields at Dwyer Middle School

Approved 4-3 (Boardman, Cook, Winchell No)

F-3. (City Council) Approve Request to Add Santa Ana River Impaired Waterway (Due to Trash) to the California State Water Resources Control Board (CSWRCB) Listing (Clean Water Act) (120.70)

Communication from the Assistant City Administrator transmitting that there is an opportunity to join the City of Newport Beach and Defend the Bay in a request to list the Santa Ana River as an impaired waterway. Approval of this request by the California State Water Resources Control Board (CSWRCB) will assist in creating the basis for an action plan to begin the restoration of the river.

The staff report further sets forth that the Santa Ana River is an important water resource for Orange County. The presence of trash and debris in the Santa Ana River impairs the beneficial uses of the river, eventually degrading Huntington Beach's ocean waters/beaches. Wildlife, groundwater recharge, recreation, tourism and public health are all negatively impacted by the trash and debris. State actions are needed within the Santa Ana River's watershed to correct this situation.

Recommended Action: Motion to:

Authorize the Mayor to forward a letter to the California State Water Resources Control Board (CSWRCB) seeking to add the Santa Ana River to the Clean Water Act 303(d) List as an impaired waterway due to trash.

Approved 7-0

G. Ordinances**G-1. Ordinance for Adoption**

- G-1a. (City Council) Adopt Ordinance No. 3560 to Clarify Definitions – Address Refuse Issues – Successful Prosecution of Offenders – Aligns Ordinance with Existing Franchise Agreement with City’s Refuse Hauler** (640.10) Approve introduction of **Ordinance No. 3560** - *“An Ordinance of the City of Huntington Beach Repealing Chapters 5.40, 5.41, and 8.20 of the Huntington Beach Municipal Code and Adding Chapter 8.21 Thereto Pertaining to Refuse Management.”* Submitted by the Public Works Director.

Recommended Action: Adopt **Ordinance No. 3560** after the City Clerk reads by title. Ordinance No. 3560 repeals Chapters 5.40 (Collection from Trash Drop Off Boxes and Trash Bins), 5.41 (Collection of Recyclable Materials) and 8.20 (Refuse) of the Huntington Beach Municipal Code and adds Chapter 8.21 (Refuse Management), thereto pertaining to refuse management. (Introduction approved May 20, 2002.)

Adopted 7-0

G-1b. (City Council) Adopt Ordinance Nos. 3543, 3544 and 3545 – Zoning Map Amendment No. 01-03 of Subareas A through G (General Plan Consistency)

(450.20)

A Public Hearing was held and the following ordinances were approved for introduction at the May 20, 2002 Council meeting.

1. Adopt, by roll call vote, **Ordinance Nos. 3543, 3544 and 3545** after the City Clerk reads by titles:

Ordinance No. 3543 – “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning Code and Subdivision Ordinance by Changing the Zoning Designation from RM-O (Medium Density Residential-Oil Overlay) to OS-PR (Open Space-Parks and Recreation) on Real Property Located on the **Northwest Corner of the Intersection of Huntington Street and Wichita Avenue** (Zoning Map Amendment No. 01-03, Sub-Area A);”

and

Ordinance No. 3544 – “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning Code and Subdivision Ordinance by Changing the Zoning Designation from RM (Medium Density Residential) to PS (Public-Semipublic) on Real Property Located on the **Northeast Corner of the Intersection of Clay Avenue and Delaware Street** (Zoning Map Amendment No. 01-03, Sub-Area B);”

and

Ordinance No. 3545 – “An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning Code and Subdivision Ordinance by Changing the Zoning Designation from IL (Limited Industrial) to PS (Public-Semipublic) on Real Property Located on the **Southwest Corner of the Intersection of Garfield Avenue and Huntington Street** (Zoning Map Amendment No. 01-03, Sub-Area C);”

Adopted Ord Nos. 3543, 3544, and 3545 7-0

G-2. Ordinances for Introduction – None**H. City Council/Redevelopment Agency Items****H-1a. Submitted By Council Member Ralph Bauer****(City Council) Request for Council Position Re: Increasing City Membership on the Orange County Transportation Authority (OCTA) Board (800.45)**

Communication from Council Member Ralph Bauer transmitting the following **Statement of Issue**: As you know, there have been lengthy discussions about increasing city membership on the OCTA Board. Two attempts to pass legislation for proposed changes have failed. The reason the state legislature is involved is that the consolidation of a number of previous transportation boards was done under a state legislative process. Currently, there are three proposals:

- ~~1. The League proposal supported by a majority of cities, the OCTA Board, and a majority of the supervisors.~~
 - ~~a. Increase the city membership from one city member per supervisor district to two city members per supervisor district and elimination of the city at-large position and the alternate.~~
 - ~~b. The citizen member and his or her alternate and four members of the supervisors would remain the same.~~

~~This proposal would increase city membership from six to ten.~~

~~This proposal was submitted by Tom Harman and failed in committee. It was also submitted by Ross Johnson and was withdrawn because of a lack of support by a number of key cities. It has been reported to me that the Governor would veto this proposal even if it were passed by the Legislature.~~

OR

2. A proposal by Santa Ana, which is the following:

- a. Five city members, one from each supervisor district, elected by cities from within that district rather than at-large by all cities.
- b. Automatic membership from the three largest cities that would be Santa Ana, Anaheim, and Huntington Beach. It is anticipated that Irvine's growth is such that it would eventually replace Huntington Beach.
- c. Elimination of the city at-large position and the alternate. The citizen member and alternate would remain and the four supervisor positions would remain.

The net effect would be to increase city membership from six to eight.

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This proposal has the support of Anaheim, Santa Ana, Garden Grove, Westminster, and possibly a number of other cities. It reportedly also has the support of Lou Correa, a Democratic Assemblyman, representing in part Santa Ana. This proposal has not been subject to a vote by the OCTA Board, the Board of Supervisors, or the Orange County cities.

OR

~~3. A compromise proposal by the Executive Steering Committee of the Orange County League of Cities.~~

- ~~a. Five city members, one from each supervisor district, elected by the cities within that district rather than at large.~~
- ~~b. Two city members elected at large.~~
- ~~c. Three city members from the five largest cities in Orange County (Santa Ana, Anaheim, Huntington Beach, Irvine, Garden Grove) elected by a majority vote of the five largest cities.~~
- ~~d. The citizen member and alternate would remain, as would the four members of the Board of Supervisors.~~

~~The net effect would be to increase city membership from six to ten.~~

~~The proposal was rejected by Santa Ana, Garden Grove, and very likely Anaheim. The proposal has not been submitted to the OCTA Board, the cities, or the Board of Supervisors.~~

Recommended Action:

It is suggested that a motion be made to **support one of the three alternatives above or a vote to take no action and leave the existing OCTA Board as is.**

Approved Support of Proposal No. 2 5-2 (Boardman, Cook No)

Council Member Winchell commended the Public Works Department for its successful open house event held June 1, 2002.

Council Comments - (Not Agendized)

At this time Council Members may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, June 17, 2002, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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**CONNIE BROCKWAY, CITY CLERK
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